

1 William S. Weisberg (Cal. Bar No. 146284)
2 Craig S. Miller (Cal. Bar No. 139682)
3 **WEISBERG & MILLER**
4 654 Sacramento Street, 3rd Floor
5 San Francisco, CA 94111
6 Tel: 415-296-7070
7 Fax: 415-296-7060
8 Attorneys for Plaintiff Tric Tools, Inc.

9
10 **IN THE UNITED STATES DISTRICT COURT**

11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION**

12 TRIC TOOLS, INC.,

13 Plaintiff,

14 vs.

15 THE CHARLES MACHINE WORKS, INC.,

16 Defendant.

Case No. CV-10-2569-JCS

STIPULATION:

(1) FOR PLAINTIFF TO FILE A FIRST
AMENDED COMPLAINT;

(2) FOR DEFENDANT THE CHARLES
MACHINE WORKS, INC.'S RESPONSIVE
PLEADING THERETO, AND
COUNTERCLAIM;

AND

(3) FOR PLAINTIFF TO FILE RESPONSIVE
PLEADING TO DEFENDANT'S PLEADING.

AND

[*proposed*]
ORDER

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23 IT IS HEREBY STIPULATED by and between the parties hereto, through their
24 respective attorneys of record, that:

25 (1) Plaintiff may file a first amended complaint, a copy of which is attached as
26 Exhibit A;

27 (2) Defendant waives notice and service of the first amended complaint;
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(3) Defendant's responsive pleading to the first amended complaint will be filed in accordance with the Federal Rules of Civil Procedure.

(4) Plaintiff shall file a responsive pleading to Defendant's pleading and counterclaim (either to the original, or new pleading to the amended complaint) within the normal time permitted by the Federal Rules of Civil Procedure; provided, that such time does not begin to run until the expiration of the deadline for Defendant to file its responsive pleading.

WEISBERG & MILLER

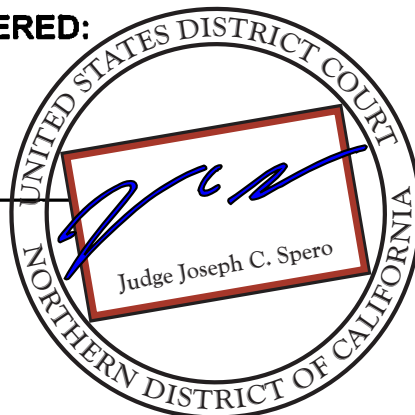
LECLAIRRYAN, LLP

Sept. 10, 2010 /s/ William S. Weisberg
William S. Weisberg, attorneys
for Plaintiff TRIC Tools, Inc.

Sept. 10, 2010 /s/ Peter M. Hart
Peter M. Hart, attorneys
for Defendant The Charles
Machine Works, Inc.

IT IS SO ORDERED:

Sept. 16, 2010



LAW OFFICES OF
WEISBERG & MILLER
654 SACRAMENTO STREET • THIRD FLOOR • SAN FRANCISCO • CA 94111
PHONE 415•296•7070 FAX 415•296•7060